

REMARKS/ARGUMENTS

Upon entry of this Amendment "B", this application will contain amended claims 2, 3-7, 13, 14, along with new claims 18, 19 and 20. Claims 7, 13 and 18 are independent claims, while claim 18 is a new claim. Claim 18 is former claim 8 rewritten to clarify and more particularly claim applicant's invention as a self-supporting marking golf flag attached directly to a movable upright pole by the flag having a hemmed sleeve loosely attached to the upright pole where the sleeve has a flexible tab loosely engaging an extension pin on top of the pole. The flexible tab provides vertical support for the flag in conjunction with the sleeve providing direct rotatable attachment to the upright pole. Reconsideration and allowance are requested. New claims 19 and 20 more particularly recited that the hemmed sleeve 15 secured by sewing.

Claims 8, 16 and 17 have been deleted inasmuch the remaining claims adequately define applicant's invention.

Original claim 7 was indicated allowable in the first Office Action dated December 7, 2004, but now withdrawn based on the Examiner's new interpretation of the Atkins reference. Claim 7 was amended to more particularly recite a self supporting golf flag with a hemmed sleeve attached directly to the upright pole.

Claim 8 was cancelled and rewritten as new claim 18 which should eliminate the rejection under 35 USC 112, 2nd paragraph.

The Examiner rejected claims 2,4,5,7,8,13 and 15-17 under 35 USC 102 (b) as anticipated by Atkins U.S. 5,572,835, while claims 3,6 and 14 were rejected under 35 USC 103 as obvious over said Atkins patent.

Applicant submits that the references do not disclose nor suggest applicant's claimed self-supporting golf flag as set forth in the amended claims submitted herewith.

1. Applicant's Invention. Applicant's invention pertain to a self supporting rotatable golf marking flag for movable golf marking poles, as indicated in the title and applicant's specification. The claimed golf flag comprises a field 24 with a hemmed linear sleeve 26 integral with the flag on the attachment side of the flag, as described on specification page 4. The sleeve 26 is adapted to slip freely over the upright pole for direct rotatable loose

attachment of the flag to the pole. The flag includes a flexible extension tab 28 at the top of the sleeve on the attachment side of the flag to provide vertical support of the golf flag on the upright pole. Both the sleeve 26 and flexible extension tab 28 enable loose rotation of the flag about the upright pole. Applicant's Fig. 2 illustrates the hemmed sleeve 26 integral with flag, and preferably sewn at seam 27, as mentioned on specification page 4. Flexible extension tab 28 on the upper portion of flag 22 is adapted to loosely slip over vertical extension pin 14 to vertically support the flag 22 on the pole while enabling loose unobstructed 360 degrees rotation of the flag about the upright pole, as more particularly described on applicant's specification page 4 and 5. The extension pin 14 preferably contains a vertically spaced cap to maintain free loose rotation of the tab about the upwardly extending pin. A major advantage of applicant's invention is that the golf flag is self supporting on the upright pole in that the flag sleeve and flexible tab provide direct attachments of the golf flag to the upright pole, which eliminates the need for cumbersome intervening connectors as disclosed in the Atkins reference and other prior art references.

The Atkins reference does not disclose nor suggest applicant's claimed self supporting golf flag with a hemmed sleeve 26 for direct attachment to upright movable poles nor a flexible extension tab 28 for vertically supporting rotational flag movement.

2. Atkins U.S. 5,572,835 The Atkins reference pertains to a telescoping flag pole 10 with an attached flag 11. The Atkins' flag is interconnected to intervening metal hardware extensions comprising the pole hardware assembly protruding from the flag pole. The telescoping pole 10 is described in Col. 4 lines 43 - 50 as consisting of four tubular sections 10a, 10b, 10c, and 10d. Thus, 10d is a pole section and not a tubular insert separate from the reference flagpole.

Reference Columns 7 - 8 describe the flagpole intervening hardware assembly in detail. Upper engagement ring 92 is part of the metal pole hardware assembly and has an outwardly extending kidney shaped metal disc 95 with a circular opening 103. The disc 95 permits 360 degrees rotation of the flag in conjunction with lower metal ring 120, likewise part of the pole hardware assembly. This flag supporting assembly provides intervening

metal connectors 120 between the flag and the pole described as a cylinder 121. According to Figs. 4 and 12, the assembly parts are all shown as hardware steel metal parts and are described throughout the reference specification as metal bearing parts. Cylinder 121 is not a flexible or bendable sleeve, but indeed a hardware metal cylinder. Atkins in fact teaches contrarily intervening metal connectors which are eliminated by applicant's invention. Thus, Atkins does not disclose nor suggest a self supporting golf flag, nor a golf flag comprising a hemmed sleeve integral with the flag field adapted to freely slip over the flag pole, nor a flag with an upper flexible extension tab for vertically supporting the flag while rotatably attached directly to the flag pole.

Mid-Column 7 (Fig.4) describes the kidney shaped engaging ring 92 having a circular hole 103. Lines 53 -55 states that an interconnecting depending grommet clip 110 is attached between hole 103 of ring 92 and grommet 111 of the flag. The metal hardware ring 92 is neither flexible nor bendable and clearly not an integral part of the flag. Moreover, the reference teaches still another intervening connector comprising an intervening grommet engaging clip 110. Likewise intervening lower lip 142 interconnects the bottom of the flag to the bottom metal ring 120. Thus, the Atkins' flag is not attached directly to the pole but instead is interconnected to the pole by two sets of intervening connectors, namely, intervening upper and grommet clips 110 and 142 along with upper and intervening metal rings 92 and 121.

Col. 3 lines 10 - 30 indicates that a major achievement in the Atkins pole assembly is a lever (pawl) to prevent upward movement of the bottom part of the flag and billowing of the flag. Col. 9 and Fig 4 indicate that pawl 122 prevents wind from pulling the ring members upwardly. Thus pawl 122 is a necessary part of the pole hardware assembly to lock the hardware assembly in place and prevent billowing caused by wind induced upward creep of the flag. Mechanical hardware connectors are used to interconnect and support the reference flag interconnecting attachment to the pole. Similarly, upper bolt assembly 84 likewise locks the assembly interconnections in place to prevent upward movement thereof. Atkins therefore teaches locked intervening connectors and does not anticipate applicant's

self-supporting golf flag utilizing a hemmed seam integral with the flag to provide a loose slip fitted direct attachment to the pole.

Atkins Col. 4 lines 50-60 state that the reference flagpole is not movable but permanently set in concrete. Thus Atkins does not disclose Applicant's movable flagpole.

3. Response to Examiner's Sec 102(b) rejections. The Examiner suggests that Atkins discloses a flag 11 having a linear sleeve 121 and an upper extension tab 92 as part of the claimed golf flag. In response, applicant points out that the bottom of Col. 7 identifies 121 as a cylindrical portion of ring 120, and that Atkins element 121 is described in Col. 8, lines 2, 3, and 5 as a cylinder 121. Hence, Atkins element 121 is a cylinder and not a sleeve. The reference cylinder 121 is part of the tightly locked hardware pole assembly, and consequently is not an integral part of the flag. The reference does not remotely disclose or suggest a loose fitting hemmed sleeve as set forth in applicant's claimed self-supporting flag.

Moreover, Atkins' element 92 shown in the drawings as hardware metal ring 80 is sandwiched between upper washer 90 and lower metal plug 63 locked by bolt assembly sphere 84. Col. 7 describes Atkins' element 92 as engaging bearing ring 80 while engaging surfaces 95 and 96 shown in locked engagement secured by bolt like sphere 84 (lines 25-35) in engagement with upper washer 90 and lower metal plug 63. Regardless, the metal ring is likewise part of the pole hardware assembly, and is not an integral part of the flag. Atkins, therefore, does not anticipate applicant's claimed loose fitting self-supporting golf flag.

The Examiner assumes that Atkins' element 10d is a tubular insert. However, reference Col. 4, lines 45 - 50 state that 10d is one of four telescoping sections of the pole 10, where 10a, 10b, 10c, and 10d are four designated sections of pole 10. Thus Atkins 10d is merely the pole, and is not a sleeve for the flag pole. If 10d is a sleeve, as suggested by the Examiner, then there is no pole section for the alleged sleeve 10d to latch onto. Thus 10d is not an insert but instead a flagpole section 10d. Further, the Examiner has inconsistently stated that pole 10d is a sleeve member while maintaining elsewhere incorrectly that element 121 is a sleeve. Element 121 is in fact a metal cylinder, and not a hemmed sleeve. Moreover, Atkins' elements 121 and 92 are both part of the reference pole structure

comprising intervening hardware connectors, which are not an integral part of the flag as set forth in applicant's claims. Atkins therefore does not anticipate applicant's claimed self supporting golf flag.

The Examiner suggests that tab 92 includes an opening 103 secured to a linear sleeve through clips 110 and 142 and that Atkins' element 92 is an extension tab and "is considered flexible and bendable in that all material is flexible to some extent and may be bent." In response, applicant points out that Atkins' element 92 is not an extension tab on a flag, but in fact is an intervening metal ring. Nowhere does Atkins disclose or suggest that metal ring 92, can be flexible or bendable. Atkins does not suggest "bendable or flexible" anywhere in his patent nor could this be possible for a bearing ring described in the reference. The issue here is that Atkins does not disclose flexible or bendable characteristics and consequently there is no rational basis to assume otherwise. The Examiner has not cited a reference in the flag art to suggest that metal bearing hardware items can be flexible. Since Atkins is silent, and in fact teaches contrarily, this is still another reason Atkins could not possibly anticipate applicant's claimed golf flag.

The Examiner suggests that Atkins' element 92 is an extension tab containing an opening 103 secured to a linear flag sleeve by intervening clips 110 and 142. In response, applicant points out that Atkins' element 92 is not an extension tab, but instead is a separate intervening metal ring 92. Atkins' element 121 is not a hemmed sleeve but in fact is a metal hardware cylinder 121 part of the flagpole intervening hardware assembly. Moreover, the reference flag is not directly attached to the pole by a hemmed sleeve part of the flag, as provided by applicant, but instead interconnected by intervening mechanical clips 110 and 142 along with cylinder 121, both separating the flag from the pole.

The Examiner suggests that reference element 84 is a capping member. However, Col. 7, lines 45 - 60, state that sphere 84 is a bolt for locking engagement of washer 90 on bearing surface 81 held in place with shank 85 by nut 87 of sphere 84. Line 53 indicates element 83 can be any bolt like connection for holding the other hardware in place so as to prevent the upward drift problem of the entire pole hardware assembly described in Col. 9 of

the reference. This clearly is not the vertically spaced cap in applicant's claimed invention. Applicant's cap is vertically spaced to maintain a loose and free rotation of applicant's flexible tab while directly supporting the golf flag on the pole. Thus, Atkins does not anticipate applicant's claimed self supporting golf flag.

The Examiner indicates that openings 140, 141 are vertically spaced connectors secured to the reference flag sleeve. However, the reference openings and intervening connectors 110 and 142 to the flag are exactly the cumbersome external intervening connection problems in the flag art that applicant's invention overcomes. The Atkins' external connectors are part of the pole hardware assembly interconnections and are infinitely more cumbersome and clearly contrary to applicant's claimed self-supporting flag having a hemmed sleeve for direct attachment to the pole. Atkins therefore does not anticipate applicant's claimed golf flag.

Accordingly, Atkins does not anticipate applicant's invention inasmuch Atkins does not disclose applicant's claimed self supporting golf flag having a hemmed sleeve for direct loose slip fit over the pole to provide free rotation of the flag in combination with a flexible tab loosely connected to the pole extension pin to provide both vertical support and enable free rotation of the flag. Moreover, Atkins teaches a non-movable flagpole set in concrete, which again is contrary to applicant's claimed movable golf flag. For any one of the above several reasons, Atkins could not possibly anticipate applicant's claimed self supporting golf flag.

4. Response to Examiner's rejection under Section 103(a). Claims 3, 6 and 14 were rejected as obvious over the Atkins reference. The Examiner indicates that Atkins' hole 102 does not contain a grommet but grommets are known in the flag art. In response, applicant points out that Atkins hole 102 is within metal ring 92 where ring 92 is part of the Atkins' flagpole hardware assembly and tightly locked in place by bolt element 84. It should be noted that both ring 92 containing hole 102 and bearing ring 80 are hardware-bearing items, which clearly do not use grommets. Regardless, Atkins' does not disclose nor suggest a flexible bendable tab as part of applicant's claimed golf flag for vertically supporting the flag.

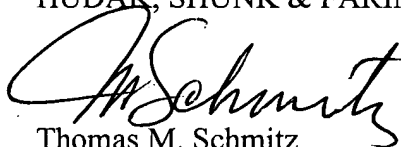
Accordingly, claims 3, 6 and 7 are clearly patentable over the Atkins' reference which neither discloses nor suggests applicant's claimed self supporting golf flag with a hemmed sleeve in direct loose connection over the pole in combination with a rotatable loose fitting flexible upper tab for vertically supporting the golf flag.

5. Conclusions. Atkins does not anticipate applicant's self supporting golf flag loosely attached directly to movable golf poles set forth in amended claims 2-7, 13, 14 and 18-20 submitted with this amendment "B". Atkins contrarily teaches hardware intervening connectors for flags, a cumbersome interconnection means typical in the flag art, and now eliminated by applicant's invention. Atkins does not teach applicant's claimed loose slip fitting hemmed sleeve for direct attachment to a pole, nor a flexible tab loosely rotatable attached to extending pin, nor a self supporting flag, nor a movable golf flag pole. Similarly, claims 3, 6, and are not obvious in view of Atkins for the same reasons, especially since Atkins teaches contrarily to applicant's claimed golf flag in respect to the need for intervening hardware flag connectors. Atkins does not teach or suggest a hemmed sleeve or flexible tab for supporting the golf flag on a movable pole.

Prompt allowance of claims 2 - 7, 13, 14 and 18 - 20 is respectively requested.

Respectfully submitted,

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